



10,071,071 1133279-0017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentees : Pazienza, et al.  
Patent No. : 6,821,292  
Issued : November 23, 2004  
For : CRIMPABLE INTRALUMINAL ENDOPROSTHESIS  
HAVING HELICAL ELEMENTS  
Examiner : Urmi Chattopadhyay  
Group Art Unit : 3738

<b>Certificate of Mailing Under 37 C.F.R. § 1.8</b>	
I hereby certify that this paper is being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
<u>Richard J. Sterner</u> Agent Name	<u>35,372</u> PTO Reg. No.
<u>Richard J. Sterner</u> Signature	<u>March 29, 2006</u> Date of Signature

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**LETTER**

Sir:

This is submitted as a follow-up to the Notification of Error in Payment of Fees as a Small Entity (37 CFR §1.28(c)) submitted by Applicants on November 16, 2004.

Via the November 16, 2004 communication, Applicants acknowledged a change in status from that of a small entity to a non-small entity which, through no deceptive intent, had not been reported at the time of the change. In this same

communication, Applicants itemized all instances of fee underpayment between the date of the change and the date of said communication, provided the Office with the actual amounts of underpayment and authorized payment of the additional fees. A copy of Applicants' Notification of Error is provided herewith.

It has just come to Applicants attention, however, via a check of the PAIR Image File Wrapper, that although the November 16, 2004 Notification of Error was indeed received by the Office, it was simply branded as a "Miscellaneous Incoming Letter." Applicants' intent in submitting the Notification was not appreciated by the Office, and the extra fees authorized by Applicants were never charged to Applicants' deposit account. A copy of the relevant portion of the Image File Wrapper with the appropriate entry circled is also provided herewith.

The present communication is being submitted to bring to the Office's attention that Applicants acted in good faith and made a full attempt to advise the Office of the situation and to make restitution for any previous underpayment of fees. The fact that Applicants' good-faith attempt has thus far been unsuccessful is due solely to the failure of the Office to properly consider Applicants' November 16, 2004 submission and to appreciate the reason for submission.

Applicants hereby reiterate their authorization to charge the additional fees set forth in the November 16, 2004 Notification to Deposit Account No. 23-1703. It is also requested that any future, (e.g., maintenance) fees be charged at the rate for a non-small entity.

No fees should be due for consideration of this communication itself. However, should it be determined that a fee is required for any reason, the Commissioner is hereby authorized to charge it as well to Deposit Account No. 23-1703.

Date: March 29, 2006

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Richard J. Sterner", is written over a horizontal line.

Richard J. Sterner  
Reg. No. 35,372

Customer Number 007470  
(212) 819-8200

Agent's Direct Line:  
(212) 819-8783

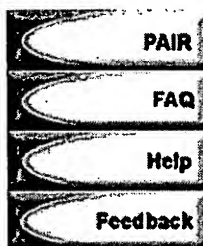
Enclosures



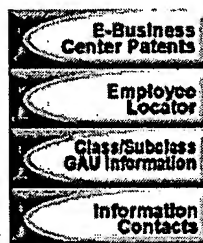
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### Other Links



### Image File Wrapper for Application No.:10/071,071

NET

This application is officially maintained in electronic form. To View: Click the desired Document De the desired document(s) and click Download.

Mail Room Date	Document Description	Document Category
04/19/2005	Fee Worksheet (PTO-875)	PROSECUTION
04/11/2005	Request for Certificate of Correction	PROSECUTION
11/16/2004	Miscellaneous Incoming Letter	PROSECUTION
09/22/2004	Issue Fee Payment Recorded	PROSECUTION
09/03/2004	Examiner Interview Summary Record (PTOL - 413)	PROSECUTION
09/03/2004	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION
09/03/2004	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION
09/03/2004	Bibliographic Data Sheet	PROSECUTION
09/03/2004	Search information including classification, databases and other search related notes	PROSECUTION
09/03/2004	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION
09/03/2004	Amendment After Final or under 37CFR 1.312, initialed by the examiner.	PROSECUTION
08/06/2004	Fee Worksheet (PTO-875)	PROSECUTION
07/26/2004	Claims	PROSECUTION
07/26/2004	Amendment After Final	PROSECUTION
07/26/2004	Extension of Time	PROSECUTION
07/26/2004	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION
03/25/2004	Foreign Reference	PRIOR ART
03/25/2004	List of references cited by examiner	PRIOR ART
03/25/2004	Final Rejection	PROSECUTION
01/07/2004	Claims	PROSECUTION
01/07/2004	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION
01/07/2004	Extension of Time	PROSECUTION



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For : CRIMPABLE INTRALUMINAL ENDOPROSTHESIS  
HAVING HELICAL ELEMENTS  
Examiner : U. Chattopadhyay  
Group Art Unit : 3738

I hereby certify that this paper is being  
facsimile transmitted to The U.S. Patent  
and Trademark Office, Alexandria, VA  
22313-1450, on November 16, 2004.

Richard J. Scerner  
Agent Name  
*Richard J. Scerner*  
Signature

35,372  
PTO Reg. No.  
November 16, 2004  
Date of Signature

Facsimile No.: 703-872-9306

No. of pages: 4

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTIFICATION OF ERROR IN PAYMENT OF FEES AS A SMALL ENTITY  
(37 CFR §1.28(C))

Sir:

When the instant application was filed on February 8, 2002,  
an erroneous claim to small entity status was made inadvertently  
and without deceptive intent. Again without deceptive intent,  
this claim was never subsequently withdrawn. This Notification

of Error is submitted in order to effect payment of deficiencies owed in accordance with the rules. The claim to status as a small entity is hereby withdrawn.

PAYMENT OF FEES AS SMALL ENTITY

1) The basic application filing fee of \$370 was paid on February 8, 2002. The current fee amount for a non-small entity is \$790, and the deficiency owed is thus \$420.

2) An excess total claims fee of \$153 was paid on February 8, 2002. The current fee amount for a non-small entity is \$306, and the deficiency owed is thus \$153.

3) An excess independent claims fee of \$126 was paid on February 8, 2002. The current fee amount for a non-small entity is \$264, and the deficiency owed is thus \$138.

4) A late declaration surcharge of \$65 was paid on April 8, 2002. The current fee amount for a non-small entity is \$130, and the deficiency owed is thus \$65.

5) A one-month extension fee of \$55 was paid on January 7, 2004. The current fee amount for a non-small entity is \$110, and the deficiency owed is thus \$55.

6). A one-month extension fee of \$55 was paid on July 26, 2004.. The current fee amount for a non-small entity is \$110, and the deficiency owed is thus \$55.

7) The issue fee of \$665 was paid on September 22, 2004. The current fee amount for a non-small entity is \$1,370, and the deficiency owed is thus \$705.

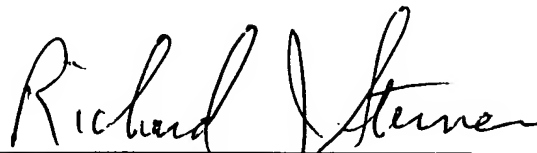
#### FEE PAYMENT FOR DEFICIENCY

As can be determined from the itemized information above, the total deficiency owed, i.e., the difference between the amount of fees paid by Applicants at the small-entity level and the currently set amount of those fees for a non-small entity, is \$1,591.. Authorization is hereby given to charge this sum to Deposit Account No. 23-1703.. To the knowledge of Applicants' agent, no other fees of small-entity level were paid by Applicants or charged by the PTO. However, should it be determined that any additional deficiencies exist, said deficiencies may likewise be charged..

This submission is made in good faith and meets all of the requirements of 37 CFR §1.28(c)(2).

Date: November 16, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard J. Sterner", written over a horizontal line.

Richard J. Sterner  
Reg. No. 35,372

Applicants' Agent  
Customer Number 007470  
(212) 819-8200

Agent's Direct Line:  
(212) 819-8783